

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WAYNE BALIGA, derivatively on behalf of
LINK MOTION INC. (F/K/A NQ MOBILE INC.)

Plaintiff,

-against-

LINK MOTION INC. (F/K/A NQ MOBILE
INC.), VINCENT WENYONG SHI, JIA LIAN,
XIAO YU,

Defendants,

-and-

LINK MOTION INC. (F/K/A NQ MOBILE
INC.),

Nominal Defendant.

Civil Action No.: 1:18-cv-11642

**NOTICE OF MOTION TO
DISSOLVE THE PRELIMINARY
INJUNCTION AND DISCHARGE
THE RECEIVER**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Michael James Maloney, dated November 4, 2020, the exhibits annexed thereto, the Declaration of Vincent Wenyong Shi, dated November 4, 2020, the exhibits annexed thereto, the accompanying Memorandum of Law, and upon all prior proceedings, pleadings, and filings in this action, Defendant Vincent Wenyong Shi (“Shi”), by his undersigned counsel, will move this Court, located at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, before the Honorable Debra C. Freeman, United States Magistrate Judge, at a date and time to be determined by the Court, for an Order granting the following relief:

(1) Declaring, pursuant to Fed. R. Civ. Proc. 66, Robert W. Seiden, Esq. (the “Receiver”) is hereby discharged as receiver for the Company and the receivership dissolved and *void ab initio*; and

(2) Directing the Receiver to take all actions, and execute all documents, necessary to restore the Board of Directors of Link Motion Inc. f/k/a NQ Mobile Inc. (the “Company”) to its membership *status quo ante* before the appointment of the Receiver; and

(3) Ordering that Mr. Guo “Francis” Lilin (“Lilin”) be deemed removed from the Board of Directors of the Company effective immediately and directing the Receiver to take all actions necessary to remove Lilin from the board of directors of any of the Company’s subsidiaries, or any other company over which the Company and/or the Receiver has control; and

(4) Ordering that all rights of action of the Company, including but not limited to all rights of action against Plaintiff, the Receiver, and any third-party, be vested in the restored Board of Directors effective immediately; and

(5) Directing the Receiver to take all actions necessary to remove Mr. Guo “Francis” Lilin as legal representative of the Company, any of its subsidiaries, or any other company over which the Company and/or the Receiver has control; and

(6) Directing the Receiver to account within thirty (30) days for all property received, actions taken, monies disbursed, liabilities incurred, and other actions taken by the Receiver during the course of the receivership; and

(7) Declaring, pursuant to Fed. R. Civ. Proc. 65, that the preliminary injunction entered by this Court on February 1, 2020 (Dkt. No. 26) is hereby vacated in all respects; and

(8) granting such other and further relief as the Court deems just and proper;

PLEASE TAKE FURTHER NOTICE that the time to serve and file papers in opposition to and/or in further support of this motion shall be governed by Local Rule 6.1(b).

Dated: New York, New York
November 4, 2020

Respectfully submitted,

FELICELLO LAW P.C.

By: /s/ Michael James Maloney

Michael James Maloney

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Attorneys for Defendant Vincent Wenying Shi